

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BRETT FINNEY and XAVIER  
YARGER, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

REESE GUERRA,

Respondent-Appellant,

and

JENNIFER YARGER and RONALD FINNEY,

Respondents.

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UNPUBLISHED

May 17, 2005

No. 260190

Midland Circuit Court

Family Division

LC No. 04-002285-NA

Before: Bandstra, P.J., and Fitzgerald and Meter, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order assuming jurisdiction over his minor child, Xavier Yarger, under MCL 712A.2(b). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

The petition initiating these child protective proceedings alleged, among other things, that respondent-appellant spanked Xavier's two-year-old half brother hard enough to leave a welt and that respondent-appellant had a history of assaultive behavior. The mother of the children admitted to the allegations in the petition, including allegations that she had unstable housing. Later, respondent-appellant admitted to certain amended allegations in the petition.

Respondent-appellant first argues that the trial court erred in taking jurisdiction over Xavier, asserting that the allegations to which he admitted were insufficient to establish jurisdiction under MCL 712A.2(b). We disagree. Respondent-appellant's argument fails to recognize that, at the time of his plea, the trial court already had jurisdiction over Xavier based upon the admissions of the child's mother, which were sufficient to establish that Xavier was neglected within the meaning of MCL 712A.2(b), allowing the court to assume jurisdiction. In child protective proceedings, the court's jurisdiction is tied to the children, and once the court

obtains jurisdiction over a child, it may make dispositional orders “against any adult.” *In re CR*, 250 Mich App 185, 202-203, 205; 646 NW2d 506 (2002); MCR 3.973(A). Accordingly, once Xavier’s mother admitted that the allegations in the petition were true, the court had jurisdiction over Xavier, and it was not necessary to hold an adjudication against respondent-appellant in order for the court to make dispositional orders that applied to him.

Respondent-appellant next argues the trial court erred by placing Xavier in foster care rather than with the paternal grandmother. There is no evidence in the record to support respondent-appellant’s assertions that, while in foster care, Xavier was being fed inappropriate formula that was making him ill. The trial court did not abuse its discretion in placing the child in foster care.

Finally, respondent-appellant argues that Xavier received ineffective assistance of counsel. However, respondent-appellant lacks standing to challenge the effectiveness of the minor child’s attorney, and we will not review this claim. *In re EP*, 234 Mich App 582; 595 NW2d 167 (1999), reversed in part on other grounds, *In re Trejo Minors*, 462 Mich 341, 353 n 10; 612 NW2d 407 (2000).

We affirm.

/s/ Richard A. Bandstra  
/s/ E. Thomas Fitzgerald  
/s/ Patrick M. Meter